

JB

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cesar PEREZ-Hernandez,

Defendant

08 MAY 16 AM 11:05
Magistrate Docket No.

'08 MJ1530

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

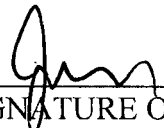
COMPLAINT FOR VIOLATION OF:
DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

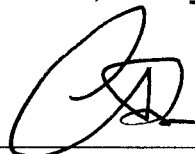
The undersigned complainant, being duly sworn, states:

On or about **May 15, 2008** within the Southern District of California, defendant, **Cesar PEREZ-Hernandez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **16th** DAY OF **MAY, 2008**


Cathy A. Bencivengo
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Cesar PEREZ-Hernandez****PROBABLE CAUSE STATEMENT**

On May 15, 2008, Border Patrol Agents responded to the San Diego Police Department located at 1401 Broadway Street in San Diego, California for an immigration interview and evaluation of one subject that San Diego Police Officers had detained.

Agent A. Cacho approached the individual and identified himself as United States Border Patrol Agent. Agent Cacho questioned the subject as to his identity and his immigration status. PEREZ stated that he was in fact the defendant **Cesar PEREZ-Hernandez**. Agent Cacho asked PEREZ about his citizenship and nationality. PEREZ stated that he was born Mexico. Agent Cacho questioned PEREZ if he had any immigration documents that would allow him to remain in the United States legally. PEREZ stated that he did not. The defendant was placed under arrest at approximately 7:30 p.m. and transported into the Chula Vista Border Patrol Station.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **July 31, 2007** through **San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.